



United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

March 7, 2019

BY ECF

The Honorable Edgardo Ramos
United States District Judges
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, New York 10007

Re: *United States v. Christian Dawkins and Merl Code, S1 17 Cr. 684 (ER)*

Dear Judge Ramos:

The Government writes to inform the Court that a superseding indictment in this case was returned by the grand jury earlier today. A copy of the superseding indictment, S1 17 Cr. 684 (ER) (the “Superseding Indictment”), is attached hereto.

The Superseding Indictment charges the remaining defendants, Christian Dawkins and Merl Code, with the same charges as the original Indictment, under the same legal theories that were contained in the original Indictment. No new charges have been added. However, in light of the recent pleas of three of the original co-defendants, the Superseding Indictment differs from the prior Indictment principally insofar as it simplifies and streamlines the indictment in advance of trial; eliminates any charges against the three former co-defendants who have pled guilty; and provides certain additional specific allegations regarding how the remaining defendants committed the charged offenses. In particular, the Superseding Indictment includes specific reference to additional bribes allegedly paid by one or more of the defendants to two additional coaches, referred to as “Coach-1” and “Coach-2” respectively, as part of the bribery conspiracy charged in Count One. Finally, the Indictment eliminates the right to control wire fraud conspiracy count, which the Government previously informed the defendants it would no longer be pursuing.

The Government does not anticipate that the filing of the Superseding Indictment will necessitate production of any additional discovery. Moreover, given that the trial is set to start on April 22, 2019, and the defendants both reside out of state, the Government has no objection to the Court deferring arraignment on the Superseding Indictment until the first day of trial.

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney

By: /s/
Robert L. Boone/Noah Solowiejczyk/
Eli J. Mark
Assistant United States Attorneys
(212) 637-2208/2473/2431

Cc: Defense counsel (by email)